

REMARKS

Reconsideration and reexamination of the subject application are respectfully requested.

Upon entry of this Amendment, claims 46-51 and 56-65 are withdrawn from consideration pursuant to the November 16, 2009 election, claim 21 is cancelled, and claims 18, 22-23, 29, 30, and 39 are amended, and claims 66 and 67 are added. Thus, claims 18, 20, 22-34, and 39-44 are all the claims pending in the application.

Claim objection

Claim 18 is objected to for informalities. Applicant has amended claim 18 and requests the Examiner to remove the objection.

Claim rejections -- 35 U.S.C. § 112

Claims 18, 20-34, and 39-44 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 18, 20-34, and 39-44 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

In response, claim 18 has been amended, and withdraw of the rejections is respectfully requested.

Claims 18, 20-34, and 39-44 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

In response, claims 18, 29, 30, and 39 have been amended, and withdraw of the rejections is respectfully requested.

Claim rejections -- 35 U.S.C. § 102

Claims 18, 20-22, 27, 32, and 39-41 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 2,612,120 to Crawford. This rejection is respectfully traversed.

Independent Claim 18

Crawford is directed to a railway sleeper car. It appears that the Examiner is equating the railway sleeper car compartment of Crawford with the claimed private passenger compartment. However, the claimed private passenger compartment is different than the railway sleeper car of Crawford.

Applicant has amended claim 18 in order to incorporate the subject matter of claim 21. Amended claim 18 thus now recites the feature that the compartment has two opposed side walls and two opposed end walls that interconnect the side walls and define the compartment space, with the doorway of the compartment being positioned in one of the side walls and dividing the side wall into two sections, with one section on each side of the doorway.

The Examiner asserts that Crawford discloses these features. However, as shown in Fig. 1 of Crawford, the end walls 17 define a compartment space that has two sections 18, 19, with oppositely facing chairs 20 and 21 forming a divide between the sections. Each section 18, 19 has a seat 67 and two beds 25 and 135 that can be positioned as lower and upper beds, respectively.

Hence, a single Crawford compartment space, i.e. a space defined between adjacent end walls 17, has two sections 18, 19, two chairs 20, 21, two seats 67, and four beds 25, 135. Moreover, it can not reasonably be said that the Crawford compartment has a side wall along the

aisle, or that a doorway divides any wall into two sections, with one section on each side of the doorway, as recited by amended claim 18.

Accordingly, amended claim 18 is patentable over Crawford.

Dependent Claims 20, 22, 27, 32, and 39-41

The remaining claims are patentable based on their respective dependencies.

Claim rejections -- 35 U.S.C. § 103

Claims 18, 20-23, 27-29, and 39-41 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,318,622 to Rezag in view of WO 2003/013942 to Ferry.

Independent Claim 18

Claim 18 has been amended to incorporate the features of claim 21, as discussed above.

Claim 18 recites the feature of a chair that is foldable between a first seating position and a second support position, wherein when the chair is in the second support position, the chair is folded and defines a support for the bed when the bed is in the sleep position.

In the Rezag arrangement, the passenger chair slides down to become a part of the bed. Thus, the chair of Rezag does not support the bed, as recited by claim 18. Applicant notes that this is conceptually different than the configuration recited by claim 18 where the chair supports the bed. In particular, the claimed configuration makes it possible to separately optimize the requirements for a bed and the requirements for a chair. Thus, it is not necessary to compromise in the design of the chair as is inevitably the case in arrangements such as described by Rezag where a chair has to have functionality as a chair and a bed.

Ferry is cited only for its teachings of the height of the side wall. Ferry is not cited for, nor does Ferry teach, the feature that, when the chair is in the second support position, the chair

is folded and defines a support for the bed when the bed is in the sleep position, as recited by claim 18.

Accordingly, claim 18 is patentable over the Rezag and Ferry combination.

Dependent Claims 20, 22-23, 27-29, and 39-41

The remaining claims are patentable based on their respective dependencies.

Claims 24-26 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rezag and Ferry, in further view of FR 2,842,497 to Saint-Jalmes.

The Examiner acknowledges that the Rezag and Ferry combination do not teach the claimed windows. Thus, Saint-Jalmes is cited solely for a teaching of blinds. Saint-Jalmes is not cited for, nor does it teach, the claimed support position of the chair, as claimed. Accordingly, claims 24-26 are patentable because of their dependency from claim 18 and at least for the reasons given for the patentability of claim 18 over the cited references.

Claims 27-32 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rezag and Ferry, in further view of U.S. Patent No. 4,134,233 to Gutridge.

The Examiner acknowledges that the Rezag and Ferry combination do not teach the claimed door assembly. Thus, Gutridge is cited solely for a teaching of a sliding door. Gutridge is not cited for, nor does it teach, the claimed support position of the chair, as claimed. Accordingly, claims 27-32 are patentable because of their dependency from claim 18 and at least for the reasons given for the patentability of claim 18 over the cited references.

Claims 32 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rezag and Ferry, in further view of U.S. Patent No. 5,024,398 to Riedinger.

The Examiner acknowledges that the Rezag and Ferry combination do not teach the claimed curtain supported by a sliding upper rail. Thus, Riedinger is cited solely for a teaching

of a curtain. Riedinger is not cited for, nor does it teach, the claimed support position of the chair, as claimed. Accordingly, claim 32 is patentable because of its dependency from claim 18 and at least for the reasons given for the patentability of claim 18 over the cited references.

Claims 33 and 34 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rezag and Ferry and Riedinger, in further view of U.S. Patent Application Publication No. 2002/0084042 to Kimmet.

The Examiner acknowledges that the Rezag and Ferry and Riedinger combination do not teach the claimed sliding upper rail. Thus, Kimmet is cited solely for a teaching of a folding door. Kimmet is not cited for, nor does it teach, the claimed support position of the chair, as claimed. Accordingly, claims 33 and 34 are patentable because of their dependency from claim 18 and at least for the reasons given for the patentability of claim 18 over the cited references.

Claim 42 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rezag and Ferry, in further view of U.S. Patent No. 6,398,164 to Fasse.

The Examiner acknowledges that the Rezag and Ferry combination do not teach the claimed operative position. Thus, Fasse is cited solely for a teaching of a two-part bed. Fasse is not cited for, nor does it teach, the claimed support position of the chair, as claimed. Accordingly, claim 42 is patentable because of its dependency from claim 18 and at least for the reasons given for the patentability of claim 18 over the cited references.

Claims 43 and 44 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rezag and Ferry, in further view of Dettmers.

The Examiner acknowledges that the Rezag and Ferry combination do not teach the claimed table assembly. Thus, Dettmers is cited solely for a teaching of a table. Dettmers is not cited for, nor does it teach, the claimed support position of the chair, as claimed. Accordingly,

claims 43 and 44 are patentable because of their dependency from claim 18 and at least for the reasons given for the patentability of claim 18 over the cited references.

New claims

Claims 66-67 have been added, and find support in at least Figs. 7 and 8. Claims 66-67 are patentable based on their respective dependencies.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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